

AT&T

Amendments to HB 4314 (H-2)

1. CHANGE TO SECTION 102(Z) TO REMOVE REFERENCE TO "TOTAL SERVICE LONG RUN INCREMENTAL COST":

102(Z) (aa) "Reasonable rate" or "just and reasonable rate" means a rate that is not inadequate, excessive, or unreasonably discriminatory. ~~A rate is inadequate if it is less than the total service long run incremental cost of providing the service.~~

2. CHANGE TO SECTION 304 TO RESTORE SUBSECTION (15), WITH ONE CHANGE:

(15) A provider of basic local exchange service with less than ~~15,000~~ **10,000** end-users in this state may determine that their total service long run incremental cost is the same as that of a provider with more than 250,000 end-users.

3. ADD A NEW SECTION 305(C) TO ADDRESS BATTERY BACK-UP:

A provider of basic local exchange service shall comply with the following emergency power requirements:

(a) If a central office has emergency power generating equipment installed, it shall have a minimum of three (3) hours battery capacity.

(b) If a central office is without installed emergency power generating equipment, it shall have a minimum battery capacity of five (5) hours.

(c) Facilities needed to connect a portable generator shall also be readily available.

4. CHANGE SECTION 313(3) TO CLARIFY PROCEDURE:

(3) Within ~~60~~ **30** days after the date of publication of the notice required by subsection (2) a person or other telecommunication provider affected by a discontinuance of services by a telecommunication provider may apply to the commission to determine if the discontinuance of service is authorized pursuant to UNDER this act. **Within 70 days after the date of publication of the notice required by subsection (2) the commission may, in response to a request or on its own initiative, commence a proceeding to determine if the discontinuance of service is authorized under this act. If no proceeding is initiated under this subsection (3), a telecommunications provider may discontinue service no sooner than 60 days after the last day for initiating a proceeding. In any proceeding conducted under this subsection (3), the commission shall have 180 days from the date it is initiated to issue its final order.**

5. ADD A NEW SECTION 401(3):

(3) Nothing in this section shall modify or affect: 1) any authority of the commission to act pursuant to or enforce 47 USC § 251, 47 USC § 252, any applicable tariff, or any state law, rule, regulation or order related to wholesale rights and obligations, including the rights and obligations of local exchange carriers to interconnect and exchange voice traffic; or 2) the payment of switched access rates or other inter-carrier compensation rates, as applicable.

Attorney General's Office

Amendments to HB 4314 (H-2)

1. Section 305b

page 22, line 20;

Restore sections 305b (a) and (b) regarding customer notification for the purchase of services

2. Section 502(1)(b)

page 31, line 26;

Restore section 502(1)(b) regarding cramming

Michigan Cable Telecommunications Association

Amendment to HB 4314 (H-2)

Section 401

page 31, line 15; Add new subsection (3);

(3) Nothing in this section shall 1) modify or affect the rights, obligations, or authority of any entity, including, but not limited to the commission, to act pursuant to or enforce 47 USC § 251, 47 USC § 252, any applicable tariff, or any state law, rule, regulation or order related to wholesale rights, duties and obligations, including the rights, duties and obligations of local exchange carriers to interconnect and exchange voice traffic; 2) modify or affect the authority of the commission to implement, carry out, and enforce such provisions, rights, duties, obligations, or tariff through arbitration proceedings or other available mechanisms and procedures; 3) affect the payment of switched network access rates or other inter-carrier compensation rates, as applicable.

Michigan Internet and Telecommunications Alliance

Amendment to HB 4314 (H-2)

Section 202 (1) (B) (2)

Page 12, Line 7;

DELETE: "The commission may, prior to the expiration of the rules, promulgate new rules under subsection (1) (c)."

INSERT: "The commission may promulgate new rules under subsection (1) (c) (iii)."

Rationale: Such a change would make it clear that the commission would have continuing authority over the migration rules, which apply to every LEC in Michigan. Also, by limiting the ability to promulgate new rules to subsection (iii), the commission authority to promulgate unbundling and interconnection rules – which apply to ILECS – would expire when the current rules expire and those rules could not be extended.

Michigan Public Service Commission

Amendment to HB 4314 (H-2)

1. Section 103(2)page 9, line 20

Restore submission of status of competition report. (**NOTE:** Insert two-year sunset)

2. Section 304(9)

page 18, line 19;

After "call.", delete the balance of the subsection.

Rationale: Eliminates outdated language regarding establishment of VNXX workgroup.

Clarifying Amendments to HB 4314 (H-2)

1. Section 305a;

(2) The commission ~~may~~ **shall** investigate complaints alleging violations of this section and may initiate proceedings under section 203 to resolve disputes between providers regarding identification of traffic and disputes regarding compensation rights and obligations between providers who originate, forward, or terminate intrastate traffic.

(4) If the commission determines that a provider violated this section, the commission shall determine if the violation resulted in a nonpayment or underpayment of compensation to the complaining provider under the terms of the parties' compensation agreement or its intrastate access tariff. The commission shall determine the amount of the nonpayment or underpayment and order the violating provider to make payment. The commission ~~may~~ **shall** assess a fine against the violating provider in an amount equal to 2 times the payment amount, ~~or~~ **and** may take any other action authorized by Michigan law that it considers necessary.

2. Section 305b(A)

page 23, line 3; delete "primary"

Verizon

Senator _____ offered the following amendment to House Bill No. 4314 (H-2):

1. Amend by inserting a new section 102(m) on Page 5, by inserting after line 7 and re-lettering subsequent sections:

(M) "INTERNET PROTOCOL-ENABLED SERVICE" OR "IP-ENABLED SERVICE" MEANS ANY SERVICE, CAPABILITY, FUNCTIONALITY, OR APPLICATION PROVIDED USING INTERNET PROTOCOL, OR ANY SUCCESSOR PROTOCOL, THAT ENABLES AN END USER TO SEND OR RECEIVE A VOICE, DATA OR VIDEO COMMUNICATION IN INTERNET PROTOCOL FORMAT OR ANY SUCCESSOR FORMAT. INTERCONNECTED VOICE OVER INTERNET PROTOCOL SERVICE IS AN IP-ENABLED SERVICE.

2. Amend page 31 by striking lines 1 and 2 and replacing with:
"SEC. 401. (1) EXCEPT FOR AUTHORITY EXPRESSLY GRANTED TO THE COMMISSION BY THE MICHIGAN COMPILED LAWS AS OF THE EFFECTIVE DATE OF THIS ACT, THE COMMISSION DOES NOT HAVE AUTHORITY OVER, AND SHALL NOT ENACT, ADOPT OR ENFORCE, EITHER DIRECTLY OR INDIRECTLY, ANY RULE, REGULATION, STANDARD, ORDER OR OTHER PROVISION HAVING THE FORCE OR EFFECT OF LAW THAT REGULATES, OR HAS THE EFFECT OF REGULATING, THE ENTRY, RATES, TERMS OR CONDITIONS FOR "

3. Amend page 31, lines 10-11 by striking out **"INTERCONNECTED VOICE OVER INTERNET PROTOCOL SERVICE"** and inserting **"INTERNET PROTOCOL-ENABLED SERVICES"**.

4. Amend by inserting after the word "service" on page 31, line 13 **"AND SHALL NOT BE SUBJECT TO THIS ACT EXCEPT AS PROVIDED IN THIS SECTION."**

Explanation: This amendment adds a new definition of "Internet-Protocol Enabled Services" to Section 102 and adds that term to the list of unregulated services in a revised Section 401. The broader category of "IP-Enabled Services" would replace the specific term "Interconnected Voice over Internet Protocol Service" in amended Section 401. "IP-Enabled Services" is a frequently-used term in the communications industry. The intent is to provide a broader definition that encompasses all services enabled by Internet Protocol technology, including services developed in the future. The proposed amendment also strengthens Section 401 by making it competitively and technologically neutral and by clarifying that the Commission only has authority to implement those policies established by the Legislature.

Verizon

AT&T

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Michigan Cable Telecommunications Association

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